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SEP 22 2005

TECHNOLOGY CENTER 3800

Lawrence S. Dieterich
P.O. Box 72095
Davis CA 95617-2095

In re Application of
Dieterich, Lawrence S.
Application No. 10/076,275
Filed: February 15, 2002
For: FOLDING TIE

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**DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT**

This is a decision on applicant's renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 filed in the United States Patent and Trademark Office on May 09, 2005.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a response to the Office action (Restriction Requirement) mailed December 16, 2003, which set a one-month shortened statutory period. A Notice of Abandonment was mailed on October 18, 2004 stating that reply was received on June 25, 2004 (with a Certificate of Mail or Transmission dated June 22, 2004) which was after the period for reply which expired on January 16, 2004.

Petitioner contends that a response was filed on January 08, 2004 by mail. In support thereof, petitioner submits, a copy of a returned postcard receipt allegedly stamped by the Patent and Trademark Office on January 12, 2004. The postcard submitted is insufficient evidence of a timely reply as it is illegible (copy attached).

The copy of the response bears a Certificate of Transmission/Mailing signed by Lawrence S. Dieterich and dated January 08, 2004.

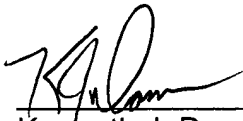
In this regard, any petition to withdraw the holding of abandonment based upon a Certificate of Transmission/Mailing must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission/Mailing which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512), by the person who signed the certificate.

While meeting requirement (1) above the petition fails, under requirement (2), to also include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original

response by facsimile transmission on the date indicated on the certificate, by the person who signed the certificate, in this instance Lawrence S. Dieterich.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."

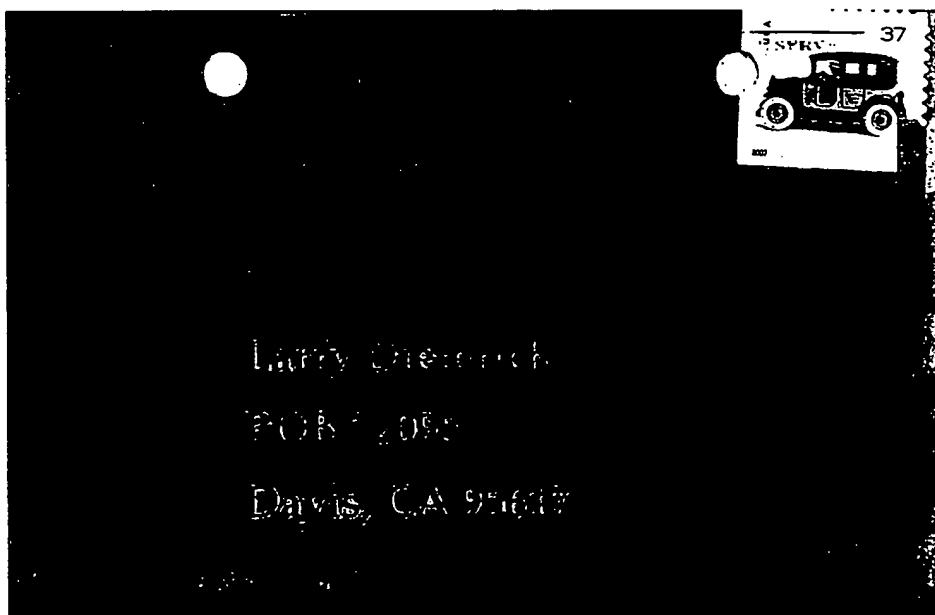


Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6587

KJD/rjc 08/01/05

The following was received today:
Response to second C.A. for 1st Patent App'n No. 1,111,111
PIO Form One Sheet
Serial 1,111,111
Response to second C.A. for 1st Patent App'n No. 1,111,111
Serial 1,111,111
Dividing Patent One Sheet
Serial 1,111,111

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